

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NASHAILY ORTIZ, ISAURA LOPEZ,
RUBEN LEMUS NAJARRO, NASHEMIR ORTIZ,
and ADRIANNA GAMBOA, on behalf of themselves
and others similarly situated,

Plaintiffs,

v.

CONSOLIDATED EDISON COMPANY OF NEW
YORK, INC., CE SOLUTIONS GROUP, LLC, CE
SOLUTIONS INC., CE FLAGGING PLUS CORP.,
CE RESERVE CORP., FLAGGING SPOTTING
FLIPPING SERVICES INC., ARGANI INC., NYC
2WAY INTERNATIONAL LTD. d/b/a CTG CARS
LLC, CONCORD LIMOUSINE INC., CONCORD
LIMOUSINE 1, LLC, JEANNINE NAPOLEONE-
COLBERT, in her individual and professional
capacities, HASSAN SABLINI, in his individual and
professional capacities, EDWARD SLININ, in his
individual and professional capacities, DORA
SLININ, in her individual and professional capacities,
GARY SAMUEL, in his individual and professional
capacities, and ALEXANDER GAVRILOV, in his
individual and professional capacities,

Defendants.

Case No.: 1:22-cv-08957-JLR

MEMORANDUM ENDORSED

**PLAINTIFFS' NOTICE OF MOTION
FOR CONDITIONAL CERTIFICATION OF A COLLECTIVE ACTION
AND EQUITABLE TOLLING OF THE STATUTE OF LIMITATIONS**

Pursuant to 29 U.S.C. § 216(b), Plaintiffs Nashaily Ortiz (“Nashaily”), Isaura Lopez (“Lopez”), Ruben Lemus Najarro (“Najarro”), Nashemir Ortiz (“Nashemir”), and Adrianna Gamboa (“Gamboa”), (together, “Plaintiffs”), by and through their undersigned counsel, Faruqi & Faruqi, LLP, hereby move the Court for an Order conditionally certifying the action as a collective action, equitably tolling the statute of limitations, directing that persons similarly situated to

Plaintiffs be given notices of the pendency, and directing production of the names, addresses, email addresses, and phone numbers of potential plaintiffs on an expedited basis.

In support of the instant motion, Plaintiffs submit the attached memorandum of law, Declaration of Plaintiff Nashaily Ortiz, Declaration of Plaintiff Isaura Lopez, Declaration of Ruben Lemus Najarro, Declaration of Alex J. Hartzband (“Hartzband Decl.”), proposed Notice of Pendency and Consent to Join form to be distributed via regular mail (annexed to the Hartzband Decl. as Ex. 6), proposed Notice of Pendency to be distributed via email (annexed to the Hartzband Decl. as Ex. 7), proposed Notice of Pendency to be distributed via text message (annexed to the Hartzband Decl. as Ex. 8), proposed Notice of Pendency to be posted on Defendants’ proprietary smartphone application (annexed to the Hartzband Decl. as Ex. 9), and all accompanying exhibits, pleadings, papers, and records on file herein. Plaintiffs may further rely on all matters of which judicial notice may be taken, any oral argument that may be presented, and other such matters the Court deems just and necessary.

Accordingly, Plaintiffs respectfully request that the Court grant their Motion for Conditional Certification of a Collective Action and Equitable Tolling of the Statute of Limitations in its entirety.

Dated: October 26, 2022
New York, New York

FARUQI & FARUQI, LLP

By: /s/ Alex J. Hartzband
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Proposed FLSA Collective*

While Judge Rochon does not have a pre-motion conference requirement, the undersigned does. In light of that fact, and in light of the fact that no defendant has been served in this matter, this motion is denied without prejudice to a new application complaint with the undersigned's Individual Practices and filed after all defendants have responded to the complaint.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

October 28, 2022